

WEST VALLEY CITY, UTAH  
ORDINANCE NO. \_\_\_\_\_

Draft Date: 05/18/2010  
Date Adopted: \_\_\_\_\_  
Date Effective: \_\_\_\_\_

**AN ORDINANCE ENACTING TITLE 26, CHAPTERS 1  
THROUGH 4 OF THE WEST VALLEY CITY MUNICIPAL  
CODE IN ORDER TO ESTABLISH UNLAWFUL  
DISCRIMINATORY EMPLOYMENT AND HOUSING  
PRACTICES BASED ON SEXUAL ORIENTATION OR  
GENDER IDENTITY.**

**WHEREAS**, West Valley City is a diverse community which is made up of a wide variety of groups, communities and individuals; and

**WHEREAS**, the City values this diversity among its citizens and visitors; and

**WHEREAS**, the City Council has determined that discriminatory practices impede the social and economic progress of the City by preventing all people from contributing to or fully participating in the cultural, spiritual, social and commercial life of the community, which is essential to the growth and vitality of the City's neighborhoods and businesses; and

**WHEREAS**, the Utah Antidiscrimination Act, Utah Code Section 34A-5-101 et seq. addresses employment-related discrimination based on race; color; religion; sex; pregnancy, childbirth, or pregnancy-related conditions; national origin; age (if over 40 years of age); and disability, but does not address employment-related discrimination based on sexual orientation or gender identity; and

**WHEREAS**, the Council has determined that discrimination based on sexual orientation and gender identity are among the forms of discrimination that adversely affect the general welfare of the City and the vitality of its neighborhoods; and

**WHEREAS**, Utah Code Section 10-8-84(1) grants Salt Lake City the power to "provide for the safety" of and to "promote the prosperity . . . and comfort and convenience" of "the city and its inhabitants;" and

**WHEREAS**, the City Council of West Valley City, Utah, does hereby determine that it is in the best interest of the health, safety and welfare of the residents of the City to adopt an ordinance prohibiting discrimination in employment and housing on the basis of sexual orientation and gender identity;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of West Valley City, Utah, as follows:

**Section 1. Repealer.** Any provision of the West Valley City Municipal Code found to be in conflict with this Ordinance is hereby repealed.

**Section 2. Enactment.** Title 26, Chapters 1 through 4 of the West Valley City Municipal Code are hereby enacted to read as follows:

## **TITLE 26**

### **ANTI-DISCRIMINATION**

#### **Chapters:**

- 26-1 General Provisions**
- 26-2 Employment Discrimination**
- 26-3 Housing Discrimination**
- 26-4 Offenses, Investigation and Enforcement**

#### **CHAPTER 26-1**

##### **GENERAL PROVISIONS**

#### **Sections:**

- 26-1-101. Purpose.**
- 26-1-102. Administration.**
- 26-1-103. Anti-Discrimination Board.**
- 26-1-104. No Private Right of Action; No Special Rights.**
- 26-1-105. Severability.**
- 26-1-106. Definitions.**

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#### **26-1-101. PURPOSE.**

- (1) Every individual in the City has the right to work and earn wages through gainful employment. Discriminatory employment practices are detrimental because they impede the social and economic progress of the City by preventing all of the City's citizens from contributing to or fully participating in the cultural, spiritual, social and commercial life of the community, which is essential to the growth and vitality of the City's neighborhoods and businesses. The Utah Antidiscrimination Act, Utah Code Section 34A-5-101 et seq., addresses employment related discrimination based on race; color; sex; pregnancy; childbirth, or pregnancy-related conditions; religion; national origin; age (if 40 years of age or older); and disability, but does not address discrimination based on sexual orientation or gender identity.
- (2) Every individual in the City has the right to seek housing. Discriminatory housing practices are detrimental because they impede the social and economic progress of the City by preventing all of the City's citizens from contributing to or fully participating in

the cultural, spiritual, social and commercial life of the community, which is essential to the growth and vitality of the City's neighborhoods and businesses.

(3) The Utah Fair Housing Act, Utah Code Section, 57-21-1 et seq., addresses housing related discrimination based on race; color; religion; sex; national origin; familial status; source of income; and disability, but does not address discrimination based on sexual orientation or gender identity.

(4) The City has found that discrimination in employment and housing on the basis of sexual orientation and gender identity must be addressed. The denial or deprivation of employment rights and access to housing because of an individual's sexual orientation or gender identity is detrimental to the health, safety, and welfare of the City's citizens and damages the City's economic well-being. The purpose of this Title is to provide a clear and comprehensive mandate for the prevention and elimination of discrimination in employment and housing in the City against individuals based upon sexual orientation or gender identity and this Title shall be liberally construed to achieve that purpose.

#### **26-1-102. ADMINISTRATION.**

The City Manager is responsible for administering and implementing this chapter.

#### **26-1-103. ANTI-DISCRIMINATION BOARD.**

(1) The City Manager is authorized to establish the Anti-Discrimination Board and to appoint the three members of the Board.

(2) The term of each Board member shall be determined by the City Manager.

(3) Any member of the Board may be removed by the City Manager at any time. The City Manager shall select the chair of the Board.

(4) The Board may adopt rules of policy and procedure for the governing of meeting, its members, and the performance of its duties.

#### **26-1-104. NO PRIVATE RIGHT OF ACTION; NO SPECIAL RIGHTS.**

This Title does not create a private cause of action, nor does it create any right or remedy that is the same or substantially equivalent to the remedies provided under federal or state law. This Title does not create any special rights or privileges which would not be available to all of the City's citizens because every person has a sexual orientation and a gender identity.

#### **26-1-105. SEVERABILITY.**

If any section, sentence, paragraph, term, definition or provision of this Title is for any reason determined to be illegal, invalid, superseded by other authority or unconstitutional by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term, definition or provision of this chapter, all of which will remain in full force and effect.

#### **26-1-106. DEFINITIONS.**

In this Title:

- (1) “Anti-Discrimination Board” or “Board” means the Board comprised of three persons appointed by the City Manager and operating as set forth in this Title.
- (2) “City” means West Valley City, Utah.
- (3) “City Attorney” means the duly appointed West Valley City Attorney and includes the City Attorney’s designated subordinate attorneys.
- (4) “City Manager” means the duly appointed City Manager of West Valley City and includes the City Manager’s designated representatives.
- (5) “Complainant” means a person, including the Board or a member of the Board, who files a complaint under this chapter.
- (6) “Conciliation” means the attempted resolution of issues raised in a complaint filed under this chapter, or raised in the investigation of the complaint, through informal negotiations involving the Complainant, the Respondent, and the Board.
- (7) “Conciliation Agreement” means a written agreement setting forth the resolution of issues by conciliation under this chapter.
- (8) “Discrimination” means any direct or indirect exclusion, distinction, segregation, limitation, refusal, denial, or other differentiation in the treatment of a person because of a person’s actual or perceived sexual orientation or gender identity or because of a person’s association with any such person. Discrimination shall not be interpreted to require or to grant or accord preferential treatment to any person because of that person’s sexual orientation or gender identity.
- (9) “Dwelling” means any building or structure, or a portion of a building or structure, occupied as, or designed or intended for occupancy as, a residence of one or more families inside the City and vacant land that is offered for sale or lease for the construction or location of a dwelling inside the City.
- (10) “Employee” means any individual applying with or employed by an employer. The term does not include an elected official.
- (11) “Employer” means any person employing fifteen (15) or more employees in the City for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year, and includes any agent of such a person.
- (12) “Employment Agency” means any person, and any agent of a person, undertaking to procure employees or opportunities to work for any other person in the City or holding itself out to be equipped to procure employees or opportunities to work for any other person in the City.
- (13) “Gender Identity” means a person’s actual or perceived gender identity, appearance, mannerisms, or other characteristics of an individual with or without regard to the person’s sex at birth.
- (14) “Labor Organization” means any organization that exists for the purpose in whole or in part of collective dealing with Employers concerning grievances, terms or conditions of employment; or other mutual aid or protection in connection with employment.
- (15) “Otherwise Qualified” means a person who possesses the following required by an employer for any particular job, job classification, or position:
- a. education;
  - b. training;
  - c. ability;
  - d. moral character;
  - e. integrity;

- 175 f. disposition to work;  
176 g. adherence to reasonable rules and regulations; and  
177 h. other job related qualifications required by an employer.
- 178 (16) "Person" means one or more individuals, partnerships, associations, corporations, legal  
179 representatives, trusts or trustees, receivers and the City.
- 180 (17) "Real Estate Broker or Salesperson" means a principal real estate broker, an associate  
181 real estate broker, or a real estate sales agent as those terms are defined in Utah Code  
182 Section 61-2-2 or any successor provision.
- 183 (18) "Religious Organization" means a religious corporation, association, educational  
184 institution, society, trust or any entity or association which is a wholly owned or  
185 controlled subsidiary or agency of any religious corporation, association, society, trust or  
186 corporation sole.
- 187 (19) "Rent" means to lease, sublease, let, or otherwise grant for a consideration the right to  
188 occupy premises not owned by the occupant.
- 189 (20) "Residential Real Estate Related Transaction" means the making or purchasing loans or  
190 providing other financial assistance for purchasing, constructing, improving, repairing, or  
191 maintaining a dwelling; or secured by residential real estate; or selling, brokering, or  
192 appraising residential real property inside the City.
- 193 (21) "Respondent" means a person identified in a complaint as having committed an  
194 unlawful practice under this chapter.
- 195 (22) "Sexual Orientation" means a person's actual or perceived orientation as heterosexual,  
196 homosexual, or bisexual.
- 197 (23) "Unlawful Practice" means a discriminatory act or practice relating to employment that  
198 is prohibited under this chapter.

## 200 **CHAPTER 26-2**

### 201 **EMPLOYMENT DISCRIMINATION**

#### 203 **Sections:**

- 204 **26-2-101. Unlawful Employment Practices.**
- 205 **26-2-102. Exemptions.**
- 206 **26-2-103. Unlawful Intimidation, Retaliation, And Coercion.**
- 207 **26-2-104. Procedures For Filing Complaints.**

#### 208 **26-2-101. UNLAWFUL EMPLOYMENT PRACTICES.**

- 209 (1) Employers. An employer may not refuse to hire, promote, discharge, demote, or  
210 terminate any person, and may not retaliate against, harass, or discriminate in matters of  
211 compensation or in terms, privileges, and conditions of employment against any person  
212 otherwise qualified because of a person's sexual orientation or gender identity.
- 213 (2) Employment agencies. An employment agency may not refuse to list and properly  
214 classify for employment, or refuse to refer a person for employment, in a known available  
215 job for which the person is otherwise qualified because of a person's sexual orientation or  
216 gender identity.

- (3) Labor organizations. A labor organization may not exclude any person otherwise qualified from full membership rights in the labor organization, expel the person from membership in the labor organization, or otherwise discriminate against or harass any of the labor organization's members in full employment of work opportunity, or representation, because of a person's sexual orientation or gender identity.
- (4) Training programs. An employer, labor organization, joint apprenticeship committee, or vocational school, providing, coordinating, or controlling apprenticeship programs, or providing, coordinating, or controlling on-the-job-training programs, instruction, training, or retraining programs may not deny to, or withhold from, any qualified person, the right to be admitted to, or participate in any apprenticeship training program, on-the-job-training program, or other occupational instruction, training or retraining program because of a person's sexual orientation or gender identity.
- (5) Notices and advertisements. Unless based upon a bona fide occupational qualification, or required by and given to an agency of government for security reasons, an employer, employment agency, or labor organization may not print, or circulate, or cause to be printed or circulated, any statement, advertisement, or publication, use any form of application for employment or membership, or make any inquiry in connection with prospective employment or membership that expresses, either directly or indirectly any limitation, specification, or discrimination because of a person's sexual orientation or gender identity.
- (6) It is unlawful for a joint labor-management committee controlling apprenticeship or other training or retraining (including on-the-job training programs) to print or publish, or cause to be printed or published, any notice or advertisement relating to admission to, or employment in, any program established to provide apprenticeship or other training by the joint labor-management committee that indicates any preference, limitation, specification, or discrimination based on sexual orientation or gender identity.
- (7) Nothing in this chapter prohibits a notice or advertisement from indicating a preference, limitation, specification, or discrimination based on sexual orientation or gender identity when sexual orientation or gender identity is a bona fide occupational qualification for employment.
- (8) No Preferential Treatment. Nothing in this chapter shall be interpreted to require any employer, employment agency, labor organization, vocational school, joint labor-management committee, or apprenticeship program subject to this chapter to grant preferential treatment to any person because of the person's sexual orientation or gender identity on account of an imbalance which may exist with respect to the total number or percentage of persons of any sexual orientation or gender identity employed by any employer, referred or classified for employment by an employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of that sexual orientation or gender identity available in the City's available work force.

## **26-2-102. EXEMPTIONS.**

This chapter does not apply to:

- (1) a religious organization;

- (2) an expressive association whose employment of a person protected by this chapter would significantly burden the association's rights of expressive association under *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000); the United States government, any of its departments or agencies, or any corporation wholly owned by it; or
- (3) the United States government, any of its departments or agencies, or any corporation wholly owned by it; or the State of Utah or any of its departments, agencies, or political subdivisions except for the City.

#### **26-2-103. UNLAWFUL INTIMIDATION, RETALIATION, AND COERCION.**

It is unlawful for any person to discriminate against, harass, threaten, harm, damage, or otherwise penalize another person for opposing an unlawful practice, for filing a complaint, or for testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing under this chapter.

#### **26-2-104. PROCEDURES FOR FILING COMPLAINTS.**

Any person who claims to have been injured by an unlawful employment practice subject to the City's jurisdiction under this Chapter may file a complaint in accordance with the provisions of Chapter 4 of this Title.

### **CHAPTER 26-3 HOUSING DISCRIMINATION**

#### **Sections:**

- 26-3-101. Unlawful Practices.**
- 26-3-102. Exemptions.**
- 26-3-103. Unlawful Intimidation, Retaliation, And Coercion.**
- 26-3-104. Procedures For Filing Complaints.**

#### **26-3-101. UNLAWFUL HOUSING PRACTICES.**

- (1) It is a discriminatory housing practice to do any of the following:
- refuse to sell or rent after the making of a bona fide offer, refuse to negotiate for the sale or rental, or otherwise deny or make unavailable any dwelling from any person because of the person's sexual orientation or gender identity;
  - discriminate against any person in the terms, conditions, or privileges of the sale or rental of any dwelling or in providing facilities or services in connection with the dwelling because of the person's sexual orientation or gender identity;
  - represent to any person that any dwelling is not available for inspection, sale, or rental when in fact the dwelling is available;
  - to make a representation orally or in writing or make, print, circulate, publish, post, or cause to be made, printed, circulated, published, or posted any notice, statement, or advertisement, or to use any application form for the sale or rental of a dwelling, that directly or indirectly expresses any preference, limitation, or

- 310 discrimination based on sexual orientation or gender identity, or expresses any  
311 intent to make any such preference, limitation, or discrimination;
- 312 e. to induce or attempt to induce, for profit, any person to buy, sell, or rent any  
313 dwelling by making representations about the entry or prospective entry into the  
314 neighborhood of persons of a particular sexual orientation or gender identity;
- 315 f. engage in any discriminatory housing practices because of sexual orientation or  
316 gender identity based upon a person's association with another person.
- 317 (2) It is a discriminatory housing practice for a real estate broker or salesperson to do any of  
318 the following because of a person's sexual orientation or gender identity:
- 319 a. to discriminate against any person in making available a residential real estate  
320 transaction, or in the terms or conditions of the transaction, inside the City,  
321 because of a person's sexual orientation or gender identity;
- 322 b. to deny any person access to, or membership or participation in, any multiple-  
323 listing service, real estate brokers' organization, or other service, organization, or  
324 facility relating to the business of selling or renting dwellings inside the City or to  
325 discriminate against any person in the terms or conditions of access, membership,  
326 or participation in the organization, service, or facility inside the City because of a  
327 person's sexual orientation or gender identity; or
- 328 c. engage in any discriminatory housing practices inside the City because of sexual  
329 orientation or gender identity based upon a person's association with another  
330 person.
- 331 (3) Exceptions. This chapter does not apply to the following:
- 332 a. The sale or rental of any single-family dwelling, if the owner:
- 333 (i) does not own an interest in or title to four or more single-family  
334 dwellings held for lease or sale at one time located inside the City;
- 335 (ii) has not sold two or more single-family dwellings inside the City in  
336 which the owner did not reside in the dwelling within the 24-month  
337 period preceding the sale or rental of the dwelling; and
- 338 (iii) does not use the services or facilities of any real estate broker, agent,  
339 or salesperson, or of any other person in the business of selling or  
340 renting dwellings, in connection with the sale or rental of the  
341 dwelling inside the City.
- 342 b. The rental of a dwelling that is occupied or intended to be occupied by no more  
343 than four families living independently of each other, when the owner actually  
344 maintains and occupies part of the dwelling as a residence.
- 345 c. Nothing in this section prohibits conduct against a person because of the person's  
346 conviction by a court of competent jurisdiction of the illegal manufacture or  
347 distribution of a controlled substance under state or federal law.



348 **26-3-102. EXEMPTIONS.**

349 (1) This chapter does not apply to a temporary or permanent residence facility operated by a  
350 nonprofit organization; a charitable organization; or a person in conjunction with a  
351 religious organization, association, or society, including any dormitory operated by a  
352 public or private educational institution, if the discrimination is based on sexual  
353 orientation or gender identity for reasons of personal modesty or privacy or in the  
354 furtherance of a religious organization's sincerely held religious beliefs.

355 (2) This chapter does not prohibit or restrict a religious organization or any nonprofit  
356 institution or organization operated, supervised, or controlled by or in conjunction with a  
357 religious organization from limiting the sale, rental, or occupancy of dwellings it owns or  
358 operates for primarily noncommercial purposes to persons of the same religion, or from  
359 giving preference to such persons.

360 (3) This chapter does not prohibit distinctions based on a person's inability or failure to  
361 fulfill the terms and conditions, including financial obligations, of a lease, rental  
362 agreement, contract of purchase or sale, mortgage, trust deed, or other financing  
363 agreement.

364 (4) This chapter does not apply to: 1) the United States government, any of its departments  
365 or agencies, or any corporation wholly owned by it; or 2) the government of the State of  
366 Utah or any of its departments, agencies, or political subdivision, except for the City.  
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368 **26-3-103. UNLAWFUL INTIMIDATION, RETALIATION, AND COERCION.**

369 It is unlawful for any person to discriminate against, harass, threaten, harm, damage, or  
370 otherwise penalize another person for opposing an unlawful practice, for filing a complaint, or  
371 for testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing  
372 under this chapter.  
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374 **26-3-104. PROCEDURES FOR FILING COMPLAINTS.**

375 Any person who claims to have been injured by an unlawful housing practice may file  
376 complaint in accordance with the provision of Chapter 4 of this Title.  
377

378 **CHAPTER 26-4**

379 **OFFENSES, INVESTIGATION AND ENFORCEMENT**

380 **Sections:**

381 **26-4-101. Offenses and Penalties.**

382 **26-4-102. Complaint.**

383 **26-4-103. Investigation.**

384 **26-4-104. Conciliation.**

385 **26-4-105. Enforcement.**  
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390 **6-4-101. OFFENSES AND PENALTIES.**

- 391 (1) A person commits an unlawful practice and violates this Title if the person intentionally  
392 or knowingly violates a provision of this Title or if the person intentionally or knowingly  
393 obstructs or prevents compliance with this Title.  
394 (2) An unlawful practice committed under this Title by a Respondent owning or operating  
395 twenty (20) or fewer dwellings or employing 14 or fewer employees is punishable by a  
396 fine of not more than \$500.00.  
397 (3) An unlawful practice committed under Title by a Respondent owning or operating  
398 twenty-one (21) or more dwellings or by a Real Estate Broker or Salesperson or  
399 employing 15 or more employees is punishable by a fine of not more than \$1,000.00.

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401 **26-4-102. COMPLAINT.**

- 402 (1) Any person who claims to have been injured by an unlawful practice may file a  
403 complaint with the Board. A complaint may also be filed by the Board if the Board has  
404 reasonable cause to believe that a person has committed an unlawful practice under this  
405 Title. A complaint must be filed within 180 calendar days after an alleged unlawful  
406 practice has occurred.  
407 (2) A complaint must be in writing on a form provided by the Board, made under oath or  
408 affirmation, and contain the following information:  
409 a. The Complainant's name, address, and signature;  
410 b. The date the alleged unlawful practice occurred;  
411 c. A statement of the facts upon which the allegation of an unlawful practice are  
412 based; and  
413 d. The Respondent's name and address.  
414 (3) Promptly after the filing of a complaint, the Board shall:  
415 a. provide the Respondent named in the complaint written notice that a complaint  
416 alleging the commission of an unlawful practice has been filed against the  
417 Respondent;  
418 b. furnish a copy of the complaint to the Respondent; and  
419 c. advise the Respondent of the Respondent's procedural rights and obligations,  
420 including the right to file a written, signed, and verified informal answer to the  
421 complaint within 15 calendar days after service of notice of the complaint.  
422 (4) Not later than the 15th day after service of the notice and copy of the complaint, a  
423 Respondent may file an answer to the complaint. The answer must be in writing, made  
424 under oath or affirmation, and contain the following information:  
425 a. The Respondent's name, address, telephone number, and signature of the  
426 Respondent or the Respondent's attorney, if any; and  
427 b. A concise statement of facts in response to the allegations in the complaint,  
428 including facts of any defense or exception.

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430 **26-4-103. INVESTIGATION.**

- 431 (1) Upon the filing of a complaint, the Board shall commence an investigation to determine  
432 the facts behind the complaint and whether there is reasonable cause to believe the  
433 Respondent committed an unlawful practice, except that no investigation may commence  
434 if, after reviewing the allegations of the complaint, the Board determines that the

complaint does not come within the scope of this chapter. Upon determining that a particular complaint does not come within the scope of this chapter, the Board shall dismiss the complaint, notify the Complainant and the Respondent and take no further action.

(2) In connection with any investigation of a complaint filed under this chapter, the Board shall seek the voluntary cooperation of any person to:

- a. obtain access to premises, records, documents, individuals, and any other possible source of information;
- b. examine, record, and copy necessary materials; and
- c. take and record testimony or statements of any person reasonably necessary for the furtherance of the investigation.

(3) The Board may dismiss a complaint during the investigation and prior to referral to the City Attorney if the Board determines that:

- a. the complaint was not filed within the required time period;
- b. the location of the alleged unlawful practice is not within the City's jurisdiction;
- c. the alleged unlawful practice is not a violation of this chapter;
- d. the Complainant refuses to cooperate with the Board in the investigation of the complaint or enforcement of an executed conciliation agreement;
- e. the Complainant cannot be located after the Board has performed a reasonable search; or
- f. a conciliation agreement has been executed by the Complainant and Respondent.

#### **26-4-104. CONCILIATION.**

(1) During or after the investigation, but subsequent to the mailing of the notice of the complaint to the Respondent, the Board shall, if it appears that the Respondent has committed an unlawful practice, attempt to conciliate the complaint. In conciliating a complaint, the Chair of the Board, or a member of the board designated by the Chair, shall try to achieve a just resolution and obtain assurances that the Respondent will satisfactorily remedy any violation of the Complainant's rights and take action to ensure the elimination of both present and future unlawful practices. A conciliation agreement may include: sensitivity training for the Respondent and/or the Respondent's employees; the Respondent's agreement to adopt and pursue a policy of non-discrimination in its practices; and the Respondent's agreement to not engage in discriminatory practices in the future.

(2) A conciliation agreement executed under this section must be in writing in a form approved by the City Attorney and must be signed and verified by the Respondent and the Complainant, subject to approval of the Chair of the Board who shall indicate approval by signing the agreement.

(3) If a Respondent voluntarily enters into a conciliation agreement, the Board shall immediately dismiss the complaint.

#### **26-4-105. ENFORCEMENT.**

(1) If, upon completion of an investigation of a complaint, the Board determines that an unlawful practice has occurred and is unable to secure an acceptable conciliation agreement from the Respondent, then the Board shall refer the case to the City Attorney.

- 480 (2) The Board shall refer the entire file to the City Attorney, who shall determine how best to  
481 pursue further action, if any, on the complaint.
- 482 (3) If the City Attorney determines that cause exists that an unlawful practice occurred and  
483 the facts are sufficient to warrant the initiation of an action through the West Valley  
484 Administrative Code Enforcement Hearing Program set forth in Title 10 of this Code,  
485 then the City Attorney shall provide written notification to the Respondent and the  
486 Complainant that an action to enforce this Title will be initiated. The enforcement  
487 process and proceedings shall be in compliance with the rules and provisions set forth in  
488 Title 10 of this Code.
- 489 (4) If the City Attorney determines that there is no cause that an unlawful practice occurred  
490 or that the facts are insufficient to warrant the initiation of an action in justice court, the  
491 City Attorney shall provide written notification to the Respondent and the Complainant  
492 and notify the Board who shall then dismiss the complaint.

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494 **Section 3. Severability.** If any provision of this Ordinance is declared to be invalid by a  
495 court of competent jurisdiction, the remainder shall not be affected thereby.

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497 **Section 4. Effective Date.** This Ordinance shall take effect immediately upon posting in  
498 the manner required by law.

499  
500 **PASSED and APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

501  
502 WEST VALLEY CITY

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507 MAYOR

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509 ATTEST:

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514 CITY RECORDER